

[illegible]

WHOLE NUMBER 2214.

center, and use it as a

PIER VI.

er the Farm.

are a right of way over
one of three modes:
grant from you.
used use, or prescription.
sality.

method, to gain a perma-
chase or grant, it must
ular and complete deed,
one way as a deed of the

bargain was only oral, or
 a simple written paper,
 seal paid under seal, it
 fully paid for, be in law
 license as it is called,
 inated, at the mere wish
 by a notice to the other
 longer. Being a kind of
 the strict law requires it to
 need.
 mode, by prescription, re-
 ce, generally twenty years,
 only fifteen; and the way

continuously, peacefully,
of right to do so, and not
a or consent. If it was
ed, if it was not peaceably
our protest, or if used by
the use would not ripen
however long continued.
r all those conditions, it
some regular and uniform
an gain a right by such
ver your farm just where
or where his convenience
would be an intolerable
er.

by twenty years' use, it
at any one owner should
enty years. If successive
ly used it for that period,
ment, so far as length of
And if this prescriptive
ained only by using it for
rpose, as for carting wood
eyond, that would not
on to continue to use it
ter the wood had been all
lot covered over with

mode, by necessity, arises man a back lot, with no outlet to any highway except the adjoining land. The law gives no right to the owner to cross your land to and fro, and the back lot would be useless. At each end of the lot, by balloon to any other lot, and therefore he must cross your land. So, if you sell a man all the land adjoining the back part, retaining the back part, and except over the part sold, he has no right to cross the lot sold, and the back lot, in such case says nothing to the owner of the lot sold, in so, even if in your deed

land to be free and clear
ances. It is a familiar
nity knows no law."
ays by necessity, continue
necessity itself continues ;
y is afterward laid out,
land on the other side, or
ch back lot afterward buys
and between it and a high-
nger cross over your land
ust go out the other way.
he does have such a right,
ch a place as you designate,

place. If you mark out along the fence, or on the fence, where you want him should confine himself to do so, probably he will do so in his own way, but must do so in a proper manner," and where it is necessary to do so, to do so in an unnecessary damage. He always to take the "short-cut" land, whatever it may be, and he has the right to keep it, and so cut your land all the way. And, if the way be cut of repair, he must keep it, if he wants to use it.

ne when you allow him to
not obliged to smooth his
, and rake out the sticks
if you actually obstruct his
perhaps if it becomes sud-
by natural causes, he would
eviate to one side until he
to remove the obstructions

way is acquired over your ordinarily a right, in the abatement to the contrary, to the or bars at the entrances highway; and if the other open, and cattle get in, or is liable to you for the use.

CHAPTER VII.

Through Farms.

Two-days, especially in the more railroads crossing

railroads are not generally the farmer, it becomes in the legal liabilities and company and the land owner. The railroad companies do require the fee in any land for their road-bed, by only right to maintain their road necessary incidental rights farmer gives the company a of course they have the ownership any other purpose. And in some States this

land is seized and consolidated company, contrary to the law; but usually the fee is in the person from whom the land is taken. The exclusive rights of the land, and in the trees and surface, and the minerals belong to him, and the company has no way over the surface. Therefore, should take and such things from the strip of land, he would be liable as a land owner for so doing. The peculiar character of rail-

company for an exclusive use of the road by the company, might not have, as against right to enter *ad litem*, taken away what was growing on the soil, turf, etc. If the company have a right to remove, any trees, buildings within their authority may at any time interfere with the operation of the road. It is regular that a railroad commission organized only for

ould have a legal right to a man's land without his consent to such a use of his land is quite universally established. Legislatures have a right to give companies such powers, though the direct object of them in building a railroad is yet being built, it becomes a highway—artificial highway—one has a right to travel, with the terms and conditions of the law. Being, how-

tary to common right, it returned, and not extended; the reality of the case; and rail- not have a right to seize land they may happen to find at they actually need for ad. They would have no take possession of land their location, merely for culation and profit.

also, the land lawfully ally paid for, before a right to take possession;

they have a right of indemnity, saving the damages to be as the parties may agree, determine.

